

**REMARKS****Status of Claims**

Claims 1-20 are pending, of which claims 1 and 11 are independent.

Claims 1-19 have been amended to correct informalities in the claim language and to more clearly define the claimed subject matter. Support for the amendments is found, for example, at the paragraph beginning at line 12 on page 34 of the present disclosure. Care has been taken to avoid introducing new matter.

**Claim objections**

Claims 4, 8, 14 and 18 were objected to because of minor informalities. Applicants respectfully submit that amendments made to these claims overcome this objection. Applicants also note that the specification has been amended to correct similar informalities.

**Rejection under 35 U.S.C. § 101**

Claims 1-10 were rejected under 35 U.S.C. § 101 because the claimed subject matter is allegedly directed to non-statutory subject matter. Applicants traverse.

Applicants respectfully submit that claim 1 is directed to a “server” which is a physical and tangible article and clearly falls in a statutory category. Nonetheless, Applicants have amended claim 1 to recite, among other features, “a network control device” and “a memory” which are clearly physical and tangible devices, not mere software. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-10 under 35 U.S.C. § 101.

**Rejection under 35 U.S.C. § 102**

Claims 1 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Enoki et al. (US 5,873,085). This rejection is traversed for at least the following reasons.

In the present disclosure, the server can send a network address to a terminal device having multimedia information. More specifically, the server can send the network address of the second terminal device to the first terminal device when the first terminal device retains the multimedia information (or vice versa). Applicants respectfully submit that, at a minimum, Enoki fails to disclose the above features of claims 1 or 11.

Applicants disagree with the Examiner's assertion that virtual file management apparatus 102 of Enoki corresponds to the claimed server. The apparatus 102 of Enoki receives a file access request from a client computer and transfers it (with some modification) to the server computer 101a or 101b. Then, the server computer which has received the file access request creates response data to the file access request and transmits the response data to the client computer (see, column 14, lines 10-33, and Fig. 2 of Enoki). In other words, the apparatus 102 of Enoki always sends a request to the server computer 101a or 101b (see, column 14, lines 10-25, and Fig. 2 of Enoki). As such, it is clear that the apparatus 102 of Enoki does not send the address to the client computer having data to be shared.

Further, when the apparatus 102 of Enoki sends a request to the server computer 101b, even though the client computer sends the request to the server computer 101a, the client computer receives the response from the server computer 101b. It should be noted that this causes a technical problem when the client computer is connected to a public network, such as the Internet, that has a firewall system. For example, since the server computer 101b is not the

same computer to which the file access request is sent, the response from the server computer 101b is regarded as unauthorized and is blocked by the firewall system.

In contrast, in the claimed subject matter, since the server can send the network address of the second terminal device to the first terminal device when the first terminal device retains the multimedia information (or vice versa), the first and second terminals can share the multimedia data without experiencing the above discussed problem. As such, it is clear that, at a minimum, Enoki fails to disclose the above identified features of claims 1 or 11, i.e., “*a server transmitting unit configured to send the network address of the second terminal device to the first terminal device through the network control device when the first terminal device retains the multimedia information, or to send the network address of the first terminal device to the second terminal device when the second terminal device retains the multimedia information*” of claim 1, or “*sending the network address of the second terminal device to the first terminal device through the network control device when the first terminal device retains the multimedia information or sending the network address of the first terminal device to the second terminal device when the second terminal device retains the multimedia information*” of claim 11.

Furthermore, Applicants respectfully submit that Enoki fails to disclose other features of claims 1 and 11. Applicants submit that Enoki fails to disclose the claimed management table. In Enoki, the alleged management table 3 manages “files” stored on the plurality of “servers” by using virtual file identifiers and stores a server “name” of a server where real data is stored (see, abstract of Enoki). In contrast, the claimed management table manages *identifiers* to identify the *terminal* devices and *network addresses* of the terminal devices on the network.

First, in Enoki, the file identifiers identify the file, e.g., the file name. In this regard, the Examiner's attention is directed to FIGS. 23-29 of Enoki. However, Enoki fails to disclose that the file identifier identifies a *terminal device* as recited by the claims 1 or 11.

Second, the server name in Enoki does not include a network address. In this regard, the Examiner's attention is directed to FIG. 3, 8, 11 and 15-20 of Enoki. In Enoki, the server name is a server ID, e.g. 101a, 101b or 101c, but does not include any network address information. In fact, Enoki does not use a term "address" at all. As such, is it clear that Enoki fails to disclose the use of a network address, such as an IP address and a port number (see, present claims 9 and 19).

Based on the foregoing, it is clear that, at a minimum, Enoki fails to disclose the above identified features of claims 1 or 11. Thus, claims 1 and 11 are patentable over Enoki. It is requested that the Examiner withdraw the rejection of claims 1 and 11 under 35 U.S.C. § 102(b).

#### **Rejection under 35 U.S.C. § 103(a)**

Claims 2, 6, 9, 12, 16 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Enoki et al. in view of Lui ("Interoperability of Peer-To-Peer File Sharing Protocols"). Claims 3, 4, 7, 8, 10, 13, 14, 17, 18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Enoki et al. in view of Lui, and further in view of Yang ("Comparing Hybrid Peer-To-Peer Systems"). These rejections are traversed for at least the following reasons.

Applicants incorporate herein the arguments previously advanced in traversal of the rejection under 35 U.S.C. § 102(b) predicated upon Enoki. The additional cited references do not teach or suggest the above discussed features of claims 1 or 11, missing from Enoki. Therefore, any combination of Enoki with Lui and/or Yang would still fail to disclose the

claimed features, and it would not have been obvious to add these features to any such combination.

Accordingly, claims 2-10 and 12-20 are patentable over the cited references. Thus, Applicants respectfully request that the Examiner withdraw the rejections of claims 2-10 and 12-20 under 35 U.S.C. § 103(a).

### **CONCLUSION**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Takashi Saito  
Limited Recognition No. L0123

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 MEF:TS:MaM  
Facsimile: 202.756.8087  
**Date: July 23, 2009**

**Please recognize our Customer No. 53080  
as our correspondence address.**